

An updated social profile of students entering law courses

In 1976, I conducted a survey of the social and economic background of students entering law degree courses at four Australian universities: the Australian National University, Macquarie University, and the Universities of Sydney and New South Wales². This survey was based on, and repeated many of the questions contained in a similar survey of four different law schools, undertaken by Dr Don Anderson and Professor John Western in 1966³. It was administered to students entering the law degree courses of the four universities surveyed in 1976, together with the law schools of Melbourne and Monash Universities, and that of the New South Wales Institute of Technology, at the beginning of 1986. The additional institutions were added at the request of the Committee of Inquiry into Legal Education in Australia, established by the Commonwealth Tertiary Education Commission under the chairmanship of Professor D.C. Pearce (henceforth 'Pearce Committee'). The additional information covered in the 1986 survey related to the last school attended by the new law students.

The purpose of the 1986 survey was to provide an updated profile of the students entering law courses in a majority of Australian law schools, and to ascertain whether this had changed markedly over the intervening ten, and, indeed, taking into account the 1966 survey, twenty years. The rather clumsy presentation of some of the figures in the tables may be explained partly because the author considered it desirable to present material in a way that it would be comparable to that obtained in earlier studies, and partly because the author is not a statistical expert. The 1976 survey showed, for example, that there had been no significant change in the social and economic background of law students despite the abolition of tertiary tuition fees in 1974. The survey was administered to students at the beginning of the academic year. The method of administration varied, depending on the convenience of the law schools. In some cases it was handed to students when they registered or enrolled, and in other cases it was distributed during a class early in the year. The response rate for four of the law

schools was high (78 to 95%) and was 5% for Macquarie, sufficient to warrant some confidence in the data. The results for ANU and Melbourne should be

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regarded with some caution because of the lower response rates. Table 1 shows the response rates.

Table 1
Response Rate

Institution	Number	Percentage of total enrolments
Macquarie	131	65
Sydney	304	99
UNSW	241	96
ANU	95	50
Melbourne	93	39
NSWIT	151	78
Monash	242	86
Total	1257	78

The paper will describe the data gathered in response to the various questions, and will then attempt to draw some conclusions from that data.

Characteristics of students

Table 2 shows the sex of students.

Table 2
Sex of students
(1976 figures shown in brackets)

Institution	Male		Female		Not given	
	No	%	No	%	No	%
Macquarie	69	53(57)	62	47(22)		(22)
Sydney	168	55(62)	133	44(24)	3	1(14)
UNSW	132	55(58)	109	45(29)		(14)
ANU	51	54(57)	44	46(25)		(18)
Melbourne	46	49	47	51		
NSWIT	76	50	73	48	2	2
Monash	127	52	114	46	1	1
All insts	669	54	582	47		

These figures show a fairly sharp increase in the proportion of women entering law courses, even allowing for the number of non-response in 1976.

Age of students

Table 3 shows the age of the students entering law courses in 1986.

This table suggests that there is a significant proportion of mature students, and this is most marked at the two law schools which offer part-time courses. It

is also more marked at ANU and UNSW, which offer special courses for graduates, than at law schools which offer only full-time 'straight' or combined degree courses. The age distribution at Melbourne seems to show a far greater proportion of younger students than does that at other law schools.

In 1976 only nine per cent of law students at the four schools surveyed were over 26, while in 1986 21% were over 26.

Table 3
Age of students
(Percentages)

	MAC			SYD			UNSW			ANU			MEL			NIT			MON		
*	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
1	15	16	15	18	16	17	16	11	14	8	20	14	26	23	25	1	8	5	13	12	13
2	35	19	27	41	48	43	41	41	41	28	32	29	30	53	42	17	11	14	36	37	36
3	1	10	5	14	10	12	13	9	11	16	23	19	4	13	9	—	4	2	22	24	23
4	1	3	2	7	5	6	5	5	5	4	2	3	2	2	—	—	—	—	5	8	6
5	4	3	4	5	9	7	7	8	7	10	—	5	2	—	1	7	7	7	7	5	6
6	3	3	3	6	2	4	3	4	3	2	7	4	9	—	4	12	12	12	2	1	2
7	3	2	2	1	2	1	2	5	2	4	—	2	2	—	1	7	8	7	2	1	2
8	38	44	40	8	9	9	14	16	15	29	16	23	24	9	16	57	49	52	11	12	12

*Age groupings are as follows: (1) under 18; (2) 18; (3) 19; (4) 20; (5) 21-22; (6) 23-24; (7) 25-26; and (8) over 26.

In 1976, at the four law schools surveyed, 86% of the new law students were 19 or under, while in 1986, this percentage was 62%. Then, as this year, the proportion of older students was higher at Macquarie (14% over 26), UNSW (8%) and ANU (15%) than at Sydney (2%).

Type and mode of course

Table 4 shows the type of course undertaken by the students.

Table 5
Type of course (percentages)

Institution	Total	Law only			Combined degree			
		1976	Male	Fem.	Total	1976	Male	Fem.
Macquarie	45	11	22	23	54	81	30	24
Sydney	30	33	16	14	68	66	39	30
UNSW	25	14	12	13	73	86	42	31
ANU	30	34	19	11	64	68	31	35
Melbourne	32	—	18	14	68	—	31	37
NSWIT	96	—	50	46	3	—	0	3
Monash	15	—	9	6	79	—	41	38
All Insts	36	—	19	17	62	—	33	28

Table 4
Type of course (full or part time)
[Percentages of total enrolment at each law school]
(1976 figures in brackets)

Institution	Full-time			Part-time		
	Total	Male	Female	Total	Male	Female
Macquarie	53(84)	25	23	46(6)	20	20
Sydney	98(98)	54	43	2(2)	1	1
UNSW	86(97)	46	40	13(3)	8	5
ANU	83(79)	41	4	17(21)	13	4
Melbourne	90	43	43	10	6	3
NSWIT	2	1	1	95	49	46
Monash	93	49	44	6	4	2
All insts	77	41	40	18	10	8
1976 figures (4 schools)	91			7		

Notes:

1. In the 1976 survey, only internal students from Macquarie responded in significant numbers. The higher proportion of part-time students responding to the 1986 survey probably results from the inclusion of the external Macquarie students, and from the NSWIT students, as the NSWIT course includes mainly part-time students.
2. Percentages may not total 100%, as not all respondents provided this information.
3. Other than in exceptional circumstances, Macquarie permits part-time studies in law only by students enrolled in the external program.

Table 5 shows the proportion of students enrolling in courses leading to a degree in another discipline (eg BA, BEc, BSc) as well as a degree in law, as compared to those enrolled in a law degree alone. In this paper, such students

will be referred to as 'combined course students'. NSWIT does not normally offer a program of studies leading to a combined degree. Macquarie permits its external students to enrol only in a program leading to a degree in law alone.

Macquarie and UNSW require full-time (internal) students to enrol in combined degree programs, other than in exceptional circumstances, except for a special quota of places at UNSW reserved for mature, part-time students, who enrol in a course leading only to a law degree.

These figures are subject to many of the same comments as applied to Table 4: in 1976, the Macquarie external students were largely not included in the sample, and the same appears to be true of the students in the part-time course at UNSW. Sydney, UNSW and ANU offer special, shorter courses for graduates in other disciplines, who enrol only for a law degree course. This factor will be relevant also to discussion of the educational back-

ground of the students below. This may explain the relatively high proportion of 'law only' students at those three universities, as even those universities which do not require students to enrol in combined programs certainly encourage them to do so.

Educational background of law students

For the 1986 survey, a new question, based on the last school attended by the student was added at the request of the Victorian Law Schools and of the Pearce Committee. Table 6 shows the responses to this question.

The proportion of students who had attended government schools was lowest at Monash, Sydney and Melbourne. As the proportion of students who had attended Catholic systemic schools did not vary greatly among the law schools (with NSWIT having a slightly higher proportion than the others), the difference comes from the proportion of students who attended independent schools. These figures may show some correlation with the level of fathers' income, shown in Tables 10-12 below. The proportion of students who attended independent schools was much higher in Victoria than in NSW and the ACT, except for Sydney. Macquarie appears to have an exceptionally high proportion of female students from government schools.

Table 6
Last school attended (percentages)

Institution	Government			Catholic systemic			Independent		
	Total	Male	Fem.	Total	Male	Fem.	Total	Male	Fem.
Macquarie	58	52	65	23	30	15	18	16	19
Sydney	31	25	38	24	27	22	40	46	33
UNSW	49	49	51	20	23	16	27	24	29
ANU	54	57	50	20	25	16	22	22	23
Melbourne	33	33	34	24	20	28	42	46	38
NSWIT	53	54	53	27	30	23	16	12	21
Monash	27	26	29	22	24	21	47	48	45
All insts	41	39	44	23	25	21	32	33	31

Note: Percentages of male and female students represent percentages of that category, not of total enrolments.

Table 6A shows the proportion of Year 12 students in NSW, Victoria and the ACT attending various types of schools in 1985.

Table 6A*
Percentage of Year 12 students in various types of school — 1985

	NSW	Victoria	ACT	Combined ACT, NSW & Victoria
Government	65.4	56.4	69.0	61.5
Catholic systemic	12.1	14.1	7.7	12.8
Independent	22.5	29.5	23.3	25.7

*Source: Information supplied by Commonwealth Department of Education, 30 May 1986. This will be published in Australian Bureau of Statistics, *National Schools Statistics Collection Australia, 1985* (preliminary), Catalogue No 4220.0.

Table 7
Fathers' educational background (percentages)

	1976	1986
Completed Primary	7	9
Incomplete Secondary	25	22
Completed Secondary	14	13
Diploma/Certificate	17	16
Some tertiary — no degree	6	3
Degree	28	36
Not given	3	1

Table 8
Mothers' educational background (percentages)

	1976	1986
Completed Primary	6	8
Incomplete Secondary	36	27
Completed Secondary	21	19
Diploma/Certificate	20	21
Some tertiary — no degree	4	4
Degree	11	20
Not given	3	1

Table 9
(Percentage of new students already holding a degree)
[Note: Percentages refer only to responses to this question]

Institution	Total	Male	Female
Macquarie	37	36	39
Sydney	17	17	18
UNSW	22	18	27
ANU	24	28	18
Melbourne	11	17	4
NSWIT	24	22	26
Monash	10	13	7
All insts	20	20	20

Table 10
Students transferring to law degree courses from other courses
(Percentage of all students)

Institution	Total	Male	Female
Macquarie	5	1	4
Sydney	7	4	3
UNSW	13	7	5
ANU	18	8	9
Melbourne	6	4	2
NSWIT	5	5	0
Monash	23	13	10
All insts	11	7	5

When this information is taken into account, it is obvious that in all law schools the proportion of new law students coming into Roman Catholic systemic schools is far higher than the proportion of all students who completed their secondary education in such schools. In NSW and the ACT (except for the University of Sydney), the proportion of new law students who attended respectively government and independent schools compares in general terms with the overall proportion of students who completed their secondary schooling in such schools, but in Victoria, and at the University of Sydney, the proportion of new law students coming from independent schools is much greater than the overall proportion of students coming from such schools, and the proportion coming from government schools correspondingly less.

Tables 7 and 8 show the educational background of the students' parents. These figures are overall figures and are not broken up by law school. They show an increasing proportion, as compared to the students entering the four law schools surveyed in 1976, of students whose mothers, fathers, or both, had obtained degrees.

While two Australian law schools (the Universities of Tasmania and Western Australia) admit to law degree courses only students who have completed at least

one year of full-time study at university, none of the law schools included in this survey have such requirements. All do accept students who have either completed a previous degree in another discipline, or have completed some previous studies. Table 9 shows the number of students admitted to the various law schools in 1986 who had previously obtained a degree.

The proportion of students with previous degrees has increased from an overall figure of 5.4% in 1976. In that year only the ANU offered a special shortened degree course for students who already held a degree in another discipline. The demand for the special courses offered by the ANU, Sydney, and UNSW seems constant, and the quotas for these courses are reported by the schools as being fully filled each year. The demand for part-time or external courses by graduates seems to be demonstrated by the high proportion of graduates at NSWIT, and at Macquarie, where degree structures discourage graduates from enrolling in the internal, full-time, degree programs. The demand for places from female graduates is, at the majority of NSW institutions, higher than the demand from males. This may reflect a tendency in the past for female students to be discouraged from studying law, and their taking the opportunity to do so later in life.

Table 10 shows the number of students transferring to law degree courses after completing some previous tertiary study.

The relatively high frequency of students admitted to the law degree programs at UNSW, ANU and Monash probably depends on the admissions policies of those institutions.

Socio-economic background of law students

Respondents to the questions in the survey were informed that responses were entirely voluntary. Almost one quarter of the students surveyed did not respond to the question about their fathers' incomes, and 40% did not respond to that about their mothers' incomes. This may be because they did not know, or because they did not wish to respond. More than 98% of students responded to the question about their fathers' status, and over 93% to the question about mothers' status. Nevertheless, the proportion of responses does give some indication about the income and status of the respondents' parents. Unfortunately, it was not possible in time to give a direct comparison between the information gained in the 1976 survey with that gained in 1986, because the classification system for status was not available, and it was decided to use the 'prestige scale' for status groups identified by Daniel⁴ as a

better identifier of students' background. However, the questions relating to income used income groups corresponding as closely as possible to those used in 1976. The number of groups is the same, but the

income figures were indexed according to the rate of inflation as shown in the *Australian Statistics Yearbook*.

The following income groupings were used in compiling Tables 11 to 14.

Table 11
Income groupings

Group	1976 Income Bracket	1986 Income Bracket
0	No answer	No answer
1	\$5000	\$11000
2	\$5001-7000	\$11001-15000
3	\$7001-9000	\$15001-20000
4	\$9001-11000	\$20001-24000
5	\$11001-13000	\$24001-28000
6	\$13001-15000	\$28001-33000
7	\$15001-17000	\$33001-37000
8	\$17001-19000	\$37001-42000
9	\$19001	\$42001-46000
10		\$46000

Table 12 shows income of the students' fathers, Table 15 that of their mothers.

Table 12
Fathers' income
(Percentages)
[All institutions]

Income bracket	MAC		SYD		NSW		ANU		MEL	NIT	MON
	'76	'86	'76	'86	'76	'86	'76	'86			
0	16	15	7	23	18	22	18	30	13	38	27
1	3	7	5	7	4	5	7	4	7	7	5
2	3	7	5	3	6	5	4	7	5	5	5
3	14	12	11	6	5	8	14	3	11	8	4
4	10	8	11	5	10	7	6	6	8	11	10
5	11	9	10	8	9	6	8	4	7	5	9
6	12	9	10	7	8	5	13	6	7	4	5
7	6	4	7	9	8	6	8	6	4	3	4
8	6	6	7	6	8	5	8	5	4	2	4
9	18	6	29	4	26	6	18	6	4	3	4
10		13		25		22		23	26	13	27

This table shows a quite remarkable feature: the disparity of fathers' incomes between students at NSWIT and Macquarie and those of the students at the other law schools. It can probably be accounted for by the fact that those schools provide part-time courses (Macquarie in the external mode). Table 13 shows the income brackets of the fathers of the Macquarie students divided according to whether the students are enrolled in the internal or the external course. All NSWIT students are part-time. These figures suggest that the financial barriers to full-time study of law are considerable, and that the part-time courses cater to two main groups: the graduates, as shown in Table 9, and those whose fathers' incomes are relatively low.

Table 13 shows clearly that the fathers' incomes of external Macquarie students

are significantly lower than those of internal students, and this is probably more marked in the case of females than males. The only group of students at Macquarie corresponding to the pattern of fathers' incomes which appears in the case of other law schools (except NSWIT) is that of the full-time, internal male students.

Table 14 shows the percentages of students enrolling in each law course whose fathers' incomes exceed respectively \$33000 and \$46000. It also shows the position of students grouped by sex.

The figures presented here give a picture of a fairly clear division between three law schools (Macquarie, NSWIT and Monash) which appear to have a far less affluent student body than do the remainder. This figure does not seem to correlate with the high proportion of

Table 13
Income brackets of Macquarie students' fathers
(Percentages)
[Note: respondents only]

Income bracket	Total		Internal		External	
	Male	Female	Male	Female	Male	Female
0	15	16	8	10	23	23
1	6	8	5	1	7	13
2	7	7	3	—	13	13
3	7	16	3	19	13	10
4	13	8	8	13	20	3
5	9	7	8	7	10	7
6	4	15	3	23	3	7
7	12	7	18	13	3	—
8	1	7	—	7	3	—
9	7	5	13	3	—	7
10	19	7	32	3	3	10

Table 14
Summary table showing fathers' income
(Percentage of students enrolled)

Institution	Exceeds \$33000			Exceeds \$46000		
	Total	Male	Female	Total	Male	Female
Macquarie	32	39	24	13	19	7
Sydney	44	49	38	25	27	29
UNSW	39	39	39	22	21	23
ANU	40	40	41	23	22	25
Melbourne	40	52	27	26	35	17
NSWIT	22	25	19	13	13	14
Monash	30	31	30	17	17	18
All insts	36	40	32	20	22	18

Table 15
Mothers' income
(Percentages)
[All students]

Income bracket	All inst	'76 '86		'76 '86		'76 '86		'76 '86		'76 '86		'76 '86	
		MAC	SYD	NSW	ANU	MEL	NIT	MON					
0	40	25	38	18	44	30	38	22	40	26	45	41	
1	22	45	22	50	22	41	24	45	16	38	23	18	
2	8	13	11	15	6	11	10	13	6	10	2	12	
3	9	9	11	6	7	5	8	12	12	9	13	7	
4	7	3	6	4	6	3	5	2	10	5	9	7	
5	6	2	8	3	5	6	5	3	10	4	2	7	
6	3	2	2	2	4	0	4	1	4	5	1	2	
7	2	1	2	1	2	2	1	2	1	2	3		
8	1	—	0	—	1	—	2	—	0	1	2	1	
9	1	1	0	2	1	2	1	2	1	0	0	0	
10	2	—	1	—	3	—	2	—	0	1	1	2	

Monash students who attended non-government schools. Male students at Macquarie, Sydney, and Melbourne tend to come from more affluent backgrounds than do the female students at those universities, though at Sydney, there are more female than male students with very high income backgrounds. This is the only law school where this is true. Melbourne is noticeable for the very great disparity of

fathers' income between male and female students, but the response rate at this institution was low, so that some caution may be necessary.

Mothers' incomes seem less determinative of the law schools which a student attends. These are shown in Table 15.

When the responses dealing with fathers' incomes were cross-tabulated with those dealing with previous academic

history, it became clear that the highest proportion of new students who had previously obtained a degree and whose fathers' incomes fell in groups 1-6 were enrolling at Macquarie and NSWIT. For all law schools, 38.3% of students transferring to law degree courses after enrolling in other tertiary studies (but not having completed a degree) reported fathers' incomes in groups 7-10, i.e. the higher income groups. The percentage of such students reporting fathers' income in the highest bracket was 26.4%. It would appear from a comparison of these figures with those shown in Table 14 that in fact students transferring to law courses from other tertiary courses are marginally more likely to come from families where the father's income is higher than the average.

Tables 16 and 17 show the occupational levels of the students' fathers and mothers respectively. These figures are not broken down by the students' sex.

Although the criteria for judging the status of parents' last occupations was changed in analysing the data from the 1986 survey⁵ the pattern which emerges is the same as in 1976 — an overwhelming proportion of law students come from families where the status of one or both parents is relatively high. This, of course, is not surprising, when the more accurate comparison of breadwinner's income as shown in the tables above is considered. Students are still likely to come from homes where the breadwinner is self-employed, or is employed in a professional, managerial or skilled occupation. The proportion of students who reported either parent as being in a low status occupation, with the exception of Macquarie and NSWIT students (where the bulk of this group is likely to comprise part-time students) is remarkably low.

Other information

At all law schools, the vast majority of students reported that they were single, the highest proportion of married students being at NSWIT (31%), Macquarie (27%), ANU (17%) and Monash (10%). More than half the students (52%) reported that they were living with their parents and 22% reported that they had their own domicile. Ninety percent of students were attending a law school in the same state or territory as their home.

Students were also asked about their family and other social contacts with members of the legal profession. The results of this question are far more conclusive, but it seems more likely that students at Sydney, UNSW, Melbourne or Monash would have a close relative or family friend who was a legal practitioner than students at other law schools.

Conclusions

The data presented in this report are largely raw data. They have not been subjected to sophisticated statistical analysis, but are presented here in order to give some idea of the social and economic background of law students. The data are available for anyone wishing to carry out further research on the character of Australian law students.

Since 1976, each of the law schools surveyed on both occasions, and those surveyed for the first time in 1986, have, with the possible exception of NSWIT, maintained quotas for admission based on extremely high levels of academic performance. Studies by Connell et al⁶ and Anderson and Vervoorn⁷ have shown that students from socially and economically privileged backgrounds are advantaged in many ways, including their ability to gain access to tertiary study. It is hardly surprising that the survey should have revealed that the majority of law students do come from relatively affluent backgrounds. What is, perhaps, surprising is that such a high proportion of students manage to gain admission to law courses even when the background from which they come is relatively disadvantaged. The marked disparity between the backgrounds of students enrolling in full-time courses and those enrolling in part-time or external courses is also significant. It suggests that students from relatively disadvantaged backgrounds can in many cases only hope to undertake studies in law if they are able to undertake a part-time or external course, and that this may be a justification for the retention and expansion of these courses. It was not possible to survey students undertaking the professional examination courses offered by the Joint Examinations Board (JEB) and the Law Extension Committee of the Faculty of Law at the University of Sydney, but my experience as a member of that Board for the past four years suggests to me that it is likely that one would find among the students seeking to fulfill the academic requirements for admission to practice as a solicitor or barrister a similar distribution to that found at the NSWIT or among the external students at Macquarie — viz a high proportion of (a) graduates in other disciplines and (b) people who need to work while studying. In the case of the JEB courses one would also find a considerable proportion of students whose academic achievements at secondary school were not sufficiently high for them to gain admission to a law degree course at a university. This raises the question of whether there is developing a type of 'stratification' of law schools in Australia, or particularly in New South Wales, along the lines described by Robert Stevens in his history of legal education in the United

Table 16
Fathers' occupation (percentages)

	Total (% responses)	MAC	SYD	NSW	ANU	MEL	NIT	MON
Professional (high status)	10	6	10	11	12	11	2	7
Professional/managerial (med. status)	32	21	23	34	37	23	10	33
Self-employed, lower-status	30	29	25	26	26	30	7	29
Managerial	19	24	13	17	11	23	9	18
Skilled trades	6	14	2	6	7	3	3	6
Other trades	3	4	2	2	0	8	11	3
Labourers; other low status	2	25	20	7	2	68	4	
No response								

Table 17
Mothers' occupation (percentages)

	Total (% responses)	MAC	SYD	NSW	ANU	MEL	NIT	MON
Professional (high status)	3	0	2	2	1	2	0	2
Professional/managerial (med. status)	6	2	3	5	3	4	2	6
Self-employed, lower-status	49	25	34	30	42	33	11	41
Managerial	24	22	14	22	17	15	5	15
Skilled trades	12	17	3	10	9	14	6	5
Other trades	6	0	8	3	2	1	5	27
Labourers; other low status	25	41	28	26	25	74	23	
No response								

States of America.⁸ In the United States, the 'national' or elite law schools (eg Harvard, Yale, Columbia, Virginia, Wisconsin, Pennsylvania and Stanford) developed as full-time academic institutions which catered for a relatively small proportion of law students. The majority of intending lawyers in the United States until the 1920s and 1930s trained under an apprenticeship system, and, as the need for some formal training was recognised by the establishment of examination requirements under the auspices of State courts or professional associations, by part-time study in commercial or proprietary law schools. Only the combined pressures of the Association of American Law Schools and the Section of the American Bar Association formed to deal with legal education and admission resulted in the majority of these law schools being absorbed by or forming affiliations with universities and colleges. While it is now difficult for some of these law schools to survive without meeting the requirements of the AALS and the ABA, which deal with minimum numbers of full-time staff, hours of instruction,

library facilities and so on, as well as the provision of courses of specified duration, some of them have. Even some of those which have met the minimum accreditation requirements are still regarded as providing teaching which is of inferior quality, and there is a definite ranking of law schools in the United States.

It would appear there is a need to provide access to legal education in Australia for students who lack the social and economic advantages which are a decided plus in both completing secondary education and in gaining admission to a law degree program, and that, secondly, the most practical way of doing so is by expanding the opportunities for part-time or distance education in law. Great care must be taken to ensure that, in the interests of the students themselves, if a stratification does evolve among Australian law schools, it is not dependent on whether the type of education offered is full-time or part-time. It is, perhaps, inevitable that there will be some degree of stratification, and it is clear that among the Sydney law schools, there is, in the

eyes of some students and of some potential employers of law graduates, a definite 'pecking order'. At present this seems to be based on prejudice and tradition rather than quality of education activity. There is almost certainly room within Australia for different types of law schools, offering different types of programs of study. There is, however, a general consensus among law teachers, and the better-informed practitioners, that the full-time study of law has decided advantages. The experience of the Australian law schools and their students is that, with some notable exceptions, part-time law teaching is not entirely successful. Part-time law teachers, who are usually busy solicitors and barristers, must give priority to the interests of their practices and their clients over the interests of their students and their teaching. Because they often have insufficient time for thought and reflection, the content of what they teach is seldom innovative or intellectually challenging, to the educational detriment of their students and to the long-term disadvantage of the community. Part-time students, and, in my experience, especially external students, require special educational techniques if the students' experience is to be worthwhile. Material must be presented in a way that stimulates thought and reflection on the part of the student, as well as the development of the necessary technical and intellectual skills. To the greatest extent possible, students must be given the opportunity to develop the techniques of oral and written presentation, and of listening. A student whose studies are part-time can certainly gain a great deal from study, but it is unreasonable to expect the same value from a part-time education if the teaching is not designed to assist the part-time students to overcome the special difficulties which they face. Because many academic law teachers feel that the teaching of full-time internal students places sufficient demands on them, when the institutional environment in which they

work, and, indeed, the conditions of their employment, require them to undertake research as well as their teaching duties, they are disinclined to devote a great deal of effort to devising strategies which will enable them to assist part-time students. This is one reason why several law schools have actively discouraged part-time study of law, though the main reason given is usually the perceived superior quality of full-time, internal study. That reason is only partly valid. Effective part-time or distance study requires committed teachers prepared to develop special teaching methods, if part-time and distance education are not to become markedly inferior to full-time studies. Ideally, where materials are developed for both full-time and part-time students, there can be very beneficial effects for both groups, as the experience of course design at Macquarie has proved. Perhaps there is a case for a full and detailed evaluation of part-time and external law courses (including the professional courses offered by the courts), which could reflect on these courses and suggest ways in which they could be improved.

The fact is that full-time study cannot be a reality for a significant group of Australians. What must be done is to ensure that the educational experience of the part-time and external law students is not significantly worse than that of the full-time students. To do otherwise would be to increase the disparity which already exists between those who are able to gain admission to law courses and those who are forced, for any of the reasons that have been mentioned, to study in the part-time or distance modes. It would seem that the resources available to NSWIT and Macquarie must be adequate for this purpose; that, if government policies of increasing participation and equity are to be taken seriously, further opportunities for part-time and distance study of law should be provided which are not markedly inferior in quality to the education provided in full-time courses, and that

other courses such as the JEB/Law Extension Committee courses should be provided with adequate full-time teachers and examiners.

Traditionally, it has been accepted that the study of law has been a path for upward social mobility in Australia. It appears that, in the case of full-time study, this is not, and has not for some time been, the case for a significant number of law students. Law students in full-time courses remain an affluent and privileged group.

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1. Professor and Head of the School of Law, Macquarie University, North Ryde, Australia. The research which led to this paper was made possible by a project grant from the Law Foundation of New South Wales, which enabled me to make use of the Statistics Laboratory of the School of Economic and Financial Studies in the University. Ms Elaine Beller of that Laboratory provided invaluable help in collating and processing the data.
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The Johnson-Hinton Report on Continuing Education: Some implications for higher education

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A. Introduction

As the first Commonwealth government sponsored review since 1944,¹ the Johnson and Hinton Report² is a milestone for continuing education. In part, this review was initiated to overcome the paucity of data on adult and continuing education. More importantly, the Commonwealth Tertiary Education Commission (CTEC) has come to recognise that continuing education could have a role in relation to a major government priority — increasing access. Hence, the CTC³ saw the need for a 'coherent policy' in this area and commissioned a review from Johnson and Hinton as the first stage in refining policy. This paper briefly reviews the main features of the report as it relates to the broad spectrum of adult and continuing education ranging from the various informal community programs to the tertiary sector. It then discusses in more detail the likely implications for higher education institutions.

In assessing the reports of government educational enquiries it is important to place them in their political and economic context. For example, the Murray⁴ and Martin⁵ Reports, written during the period of expansion in the 50s and 60s, were both visionary reports which inspired confidence in the value of higher education. These two reports contrast with the more conservative, more restrained Williams Report,⁶ written during the first part of the period of economic downturn. Similarly the present report has been prepared in a time of severe economic stringency and its tone contrasts with the buoyant recurrent education policy of the Kangan⁷ and Richardson⁸ Reports of the mid 70s. A parallel change in the emphasis and value placed on continuing education as a reflection of the changing political and economic situation has also been reported in the English scene⁹.

B. Main features of the Report

Given the restrictions on time and finance and the lack of previous research to build upon, this review entitled, *It's Human Nature*, is necessarily descriptive rather than analytical. The review was constrained to use 'impressionistic' data collection methods which limited it to a 'descriptive essay' of the field of adult and continuing education. The review also makes some suggestions for immediate action, touches upon some current needs and issues, identifies research priorities, and reaffirms past CTC policy in this area.

The prime focus of the review is on disadvantaged groups. Continuing education, particularly in the community and within Stream 6 of Technical and Further Education (TAFE), is portrayed as the major means of providing disadvantaged groups with a second chance to enter the main stream of formal tertiary education. There is particular emphasis on women, who are described as 'almost owning' the field and can be seen as disadvantaged not only as students but also as teachers and administrators. The other major emphasis is on illiteracy and the report repeatedly asserts the need for continuing education programs to redress this situation.

The review acknowledges that it is, and had to be, somewhat restrictive in its description of continuing education provision. For example, commercial providers of continuing education, provision by industry and professional associations, and the continuing education function of various social groups have not been investigated. It has also not addressed in detail the role of universities and colleges of advanced education (CAEs) in continuing education, the extent of their provision of courses nor the rationale for their recent internal reviews and reductions in their involvement. In relation to higher education the report does not go beyond a reiteration of existing CTC policy on continuing education. Thus, there has

been little progress in overcoming inconsistencies, anomalies and limitations in the scope of this policy. Perhaps the major anomaly is that students may obtain certain sets of knowledge and skill by either enrolling in an award course or enrolling in a fee-generating non-award course designated as 'continuing education'. Johnson and Hinton recognise this anomaly, but only discuss it in the context of TAFE Stream 6 fee-generating courses which may also be offered in Streams 1-5 as part of a free award program. Another need for developing a more coherent policy is the divergent requirements of general interest adult education and professional continuing education and the interface between the latter and the continuing education nature of masters' coursework degrees.

The review concludes with a number of suggestions which, if acted upon by the CTC and the government, would make a useful contribution to improving the provision and standing of continuing education in Australia. There are suggestions in seven major areas:

1. The establishment of national goals and policies:

It is proposed that the Australian Education Council consider the best way to organise the establishment of national goals with particular emphasis on vocational continuing education, literacy and basic education provision. This suggestion to involve the Australian Educational Council is a sensible one. Much of the current lack of coherence and ad hoc nature of the CTC policy, both for continuing education and more generally for tertiary education derive from the lack of clearly articulated and prioritised goals in government policy. The tendency of the Commonwealth to take upon itself the determination of national policy for tertiary education would be particularly detrimental if repeated for such a decentralised enterprise as continuing education which relies heavily on local initiative. Even the Australian Education Council